

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EUGENE SHERROD,

Plaintiff, ADOPTION ORDER
20-CV-3312 (JS) (SIL)
-against-

POLICE OFFICER THOMAS MUTARELLI,
DETECTIVE MICHAEL TENETY,
REGISTERED NURSE NANCY WINIARSKI,
and JOHN DOE #3,

Defendants.

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APPEARANCES

For Plaintiff: Eugene Sherrod, pro se
21A0540
Clinton Correctional Facility
P.O. Box 2000
Dannemora, New York 12929

For Defendants: Callan Wright Tauster, Esq.
Nassau County Attorney's Office
1 West Street
Mineola, New York 11501

Susan A. Flynn, Esq.
Suffolk County Attorney's Office
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, New York 11788

SEYBERT, District Judge:

Pro se plaintiff Eugene Sherrod ("Plaintiff") commenced this action pursuant to 42 U.S.C. § 1983, alleging claims for deliberate indifference to serious medical needs on the night of his August 14, 2019 arrest. (See generally Compl., ECF No. 1.)

Police Officer Thomas Mutarelli ("Mutarelli"), Detective Michael Tenety ("Tenety"), and Registered Nurse Nancy Winiarski

("Winiarski," collectively, "Defendants") moved for summary judgment. (See Def. Mot., ECF No. 44.) Plaintiff opposed Defendants' motion and cross-moved for leave to amend the Complaint. (See Pl. Cross-Mot., ECF No. 47.) On October 31, 2022, the Court referred the parties' motions to the Honorable Steven I. Locke for a Report and Recommendation ("R&R").

On February 1, 2023, Judge Locke issued his R&R, recommending the Court grant Defendants' motion in its entirety, dismiss the Complaint with prejudice, and deny Plaintiff's cross-motion to amend. (See R&R, ECF No. 54, at 8, 27.) Defendants served a copy of the R&R upon Plaintiff that same day via certified mail. (Cert. of Service, ECF No. 56.) The time to object to the R&R has expired and no objections to the R&R have been filed.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Recommended rulings to which no specific timely objection is made, or to which general, conclusory or perfunctory objections are made, are reviewed only for clear error. Bassett v. Elec. Arts, Inc., 93 F. Supp. 3d 95, 100-01 (E.D.N.Y. 2015); Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

Here, Plaintiff received notice of the R&R and failed to file any objections. Thus, the Court reviews Judge Locke's R&R for clear error. Upon careful review and consideration, the Court

finds the R&R to be comprehensive, well-reasoned, and free of clear error. Accordingly, the Court ADOPTS the R&R in its entirety, Defendants' motion for summary judgment is GRANTED, Plaintiff's cross-motion to amend the Complaint is DENIED, and the Complaint is DISMISSED WITH PREJUDICE. Defendants are directed to serve a copy of this Adoption Order upon Plaintiff forthwith and to file proof of such service on ECF by March 15, 2023. The Clerk of Court shall terminate as moot Defendants' motion to confirm the R&R (ECF No. 58) and mark this case CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: March 13, 2023
Central Islip, New York